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Legal Storage and Transport

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Loose Bullets Lead To Confiscation Of All Firearms, Ammunition, FACs

Recently a hunter was stopped by police for a traffic violation. As he reached into his glove box the officer saw a magazine with 5 bullets. There was no gun in the car. The driver was put under arrest for unsafe storage of ammunition. As a term of his bail he was ordered to not possess any firearms, explosives, ammunition, or F.A.C.

There was no criminal offense because the ammunition was not stored and was out of sight. The case was heard about 6 to 10 months after the arrest and until then the sportsman is unable to hunt with a gun or cross bow. He was acquitted and his firearms were returned.

This example is true and is given to show that even if a person is found innocent there is an immediate sanction of his rights to possess a firearm, ammunition, explosive and F.A.C.

Every sports hunter should know that his order prohibiting you from possessing a firearm, ammunition, explosive and F.A.C is the potential outcome of every firearm offense no matter how small or technical.

To preserve your rights to own and enjoy firearms you must be careful of strict compliance to the law.

Transport Your Ammunition Safely

There is no present regulation as to what is safe transport or storage of ammunition. This leaves latitude for police discretion in laying a criminal charge for unsafe storage or transport. People have been charged criminally for having loose shells in the passenger compartment, whether visible or not.

to avoid charges i urge you to store and transport all ammunition in a locked box and locked compartment to be separate from any firearm.

No Grand Fathering Of Prohibited Magazines

In Canada, pursuant to three orders in council passed under the criminal code s.84 s.116, mere possession of high capacity magazines for semi automatic rifles (5 Shot maximum) and pistols (10 shot maximum) was made a criminal offense beginning July 1993. There is no Grand Fathering of magazines owned or made prior to this date in Canada. There is a Grand Fathering in the USA, but not in Canada. If you have an overcapacity magazine, it must be permanently modified to the legal limit or destroyed. Continued possession is like having a ticking bomb that goes off when the police find out for any reason. Breaking the device into components may not work due to the ability to reassemble the now prohibited weapon. The police will interpret a prohibited weapon as any component that can be reassembled to make a prohibited weapon complete. For details of the few exceptions for Canadian and British WWI and WWII relics consult the Canada Gazette; SOR/DOR/92-460; SOR/DOR/93-366; SI/TR/92-229.

Hunters beware!

Police are now laying charges in situations that most hunters believe is safe storage.



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Mr. Hunter took several guns with him hunting. He kept them in his pickup bed. The guns were cased, covered, but not trigger-locked and not in locked hard cases. Ammunition was carried in the bed and in an unlocked box. The pickup bed was covered with a locked cap, bolted down and an additional wire and lock held the cap door closed in addition to a lock. Mr. Hunter slept in a hotel. During the night thieves broke the cap door off at the hinges. The lock held fast and two guns were stolen.

The police arrested the thieves, impounded Mr. Hunter's truck without a warrant and seized his remaining guns and ammunition. Mr. Hunter faces criminal charges of unsafe storage of guns and ammunition and unsafe transportation for leaving his guns unattended. The police say he should have had trigger locks or locked hard cases and the ammunition should have been in a locked box.

This may sound ridiculous to you. Mr. Hunter has a good defense and should be found not guilty. The police say "let the judge decide". Mr. Hunter's guns are seized until trial. He must hire a lawyer and travel from home to the court where the theft took place. The trial will be nine months after his truck was broken into. This is not fair but it is true. This happened in September 1998. Names are changed, the essential facts are true.

Protect yourself from this type of police harassment. If you leave your gun in your vehicle, trigger lock it, action lock it or take the bolt out and lock the bolt up. Keep your ammunition in a locked box. This is beyond what the law requires but do this to avoid becoming a test case for the police to see how far they can push the law.

This charge was under Bill C-17 as passed by the Conservative Government in 1991 under Prime Minister Kim Campbell. Bill C-68 will make this more stringent. Every year over 3,500 Ontario residents are convicted of unsafe storage. Many are innocent but they do not fight a wrongfully laid charge. Most charges can be fought. Do not plead guilty. Do not surrender your rights without a fight. Do not make statements to the police after arrest. Call a lawyer, get advice. Better yet, put an extra trigger lock on your gun and a lock on your ammo box. That is a lot cheaper than a lawyer.

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MY COMMITMENT IS VIGOROUSLY TO ADVOCATE YOUR LEGAL RIGHT TO BEAR ARMS, TO PROTECT YOUR HERITAGE RIGHTS, TO HOLD TRUE TO THE TRADITIONS OF SPORTSMEN

This advisory was prepared October 1, 1998 and revised Dec. 2007. Information in this advisory is general in nature and should not be acted upon without specific professional advice.